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Proposals and contributions received from Governments

Addendum

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II. Proposals and contributions received from Governments

Belgium, Poland and United States of America: proposed changes to the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.2)

1. At its fourth session, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was of the view that the text of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.2) contained redundancies and could be better organized. The proposed changes to the text are indicated below. The delegations of Belgium, Poland and the United States of America did not make substantive changes or attempt to insert in

the draft Protocol any proposals made by other delegations at the fourth session of the Ad Hoc Committee.

Article 4

2. It is proposed that paragraph 1 of old article 7 become paragraph 4 of new article 4 and that paragraph 2 of old article 7 become a footnote to paragraph 2 (d) of article 4.

Article 5 *bis*

3. It is proposed that article 5 *bis* be deleted.

Article 6

4. It is proposed that article 6 be retitled "Repatriation of victims of trafficking in persons". In addition, old article 11 should become paragraph 3 of new article 6 and paragraph 3 of old article 6 should become paragraph 4 of new article 6.

Article 7

5. It is proposed that paragraph 1 of old article 7 become paragraph 4 of new article 4 and that paragraph 2 of old article 7 become a footnote to paragraph 2 (d) of article 4.

Article 8

6. Old article 8 should be renumbered as article 7.

Article 9

7. It is proposed that paragraph 1 of old article 9 become new article 8 and that paragraph 2 of old article 9 become a footnote to new article 8. It is also proposed that paragraphs 2 and 3 of old article 14 become paragraphs 2 and 3 of new article 8.

Article 10

8. Old article 10 should be renumbered as article 9.

Article 11

9. It is proposed that old article 11 become paragraph 3 of new article 6.

Articles 12 and 13

10. Old articles 12 and 13 should be renumbered as articles 10 and 11, respectively.

Article 14

11. It is proposed that old article 14 be renumbered as article 12 and retitled "Stricter measures". It is also proposed that paragraphs 2 and 3 of old article 14 become paragraphs 2 and 3 of new article 8.

Articles 15-18

12. Old articles 15, 16, 17 and 18 should be renumbered as articles 13, 14, 15 and 16, respectively.

Grouping of articles into chapters with titles

13. The following additional proposals are made:

(a) New articles 1-3 of the draft Protocol should be grouped in a chapter entitled "Purpose, scope and criminal sanctions";

(b) New articles 4-6 should be grouped in a chapter entitled "Protection of trafficked persons";

(c) New articles 7-11 should be grouped in a chapter entitled "Prevention, cooperation and other measures";

(d) New articles 12-16 should be grouped in a chapter entitled "Final clauses".

Entire restructured text of the draft Protocol

14. The entire restructured text of the draft Protocol is presented below.

Revised draft Protocol to Prevent, Suppress and Punish[1] Trafficking in Persons, especially Women and Children,[2] Supplementing the United Nations Convention against Transnational Organized Crime[3]

The States Parties to this Protocol,

Taking note of the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "the Convention"),

Gravely concerned by the significant and increasing activities of transnational criminal organizations and others that profit from international trafficking in persons,

Believing that women and children are particularly vulnerable to and targeted by transnational criminal organizations engaged in trafficking in persons,

Declaring that effective action to combat international trafficking in persons, especially women and children, requires a comprehensive, international approach in the countries of origin, transit and destination that includes measures to prevent such

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[1] At the second session of the Ad Hoc Committee, two delegations suggested that the Protocol should focus on the prevention, investigation and prosecution of trafficking, leaving aside the question of punishment.

[2] The terms "persons, especially women and children" and "persons" are used throughout the draft text, as appropriate, in view of the action taken by the Commission on Crime Prevention and Criminal Justice at its eighth session. In particular, the Commission recommended that the Economic and Social Council approve for adoption by the General Assembly a draft resolution entitled "United Nations Convention against Transnational Organized Crime and the protocols thereto", in which the Assembly would decide that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and would also request the Ad Hoc Committee to make any corresponding changes to the draft instrument. At the second session of the Ad Hoc Committee, almost all countries expressed their preference that the Protocol address all persons rather than only women and children, although particular attention should be given to the protection of women and children.

[3] The proposal contained in the present document is based on a combined draft text submitted by the Governments of Argentina and the United States of America pursuant to the commitment they undertook at the first session of the Ad Hoc Committee (see A/AC.254/9). It supersedes the proposals submitted by the United States (A/AC.254/4/Add.3) and Argentina (A/AC.254/8) and takes into account comments made at the first and second sessions of the Ad Hoc Committee (see in particular A/AC.254/5/Add.3). It also incorporates the amendments submitted by Argentina (A/AC.254/L.17). Some delegations suggested that the title of the Protocol should also refer to the "protection of trafficked persons".

international trafficking, to punish[4] the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,

Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the sexual exploitation of women and children, there is no universal instrument that addresses all aspects of trafficking in persons,

Concerned that in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, *inter alia*, an international instrument addressing trafficking in women and children,

Convinced that supplementing the Convention with an international instrument for the prevention, suppression and punishment[5] of trafficking in persons, especially women and children, will be useful in combating that crime,

Taking into account the provisions of the Convention,[6]

Have agreed as follows:

Chapter I. Purpose, scope and criminal sanctions

Article 1.[7] *Purpose*

Option I

1. The purpose of this Protocol is to promote and facilitate cooperation among States Parties to prevent, investigate and punish[8] international trafficking in persons for the purpose of forced labour or sexual exploitation,[9] paying particular attention

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[4] See footnote 1 above.

[5] See footnote 1 above.

[6] Two delegations noted that this Protocol should also take into account work being done in other international forums (i.e. the proposed convention concerning the prohibition and immediate elimination of the worst forms of child labour, which is being drafted by the International Labour Organization, and the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (see A/AC.254/5/Add.3 and the report of the open-ended inter-sessional working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its fifth session, held in Geneva from 25 January to 5 February 1999 (E/CN.4/1999/74)). Two other delegations suggested that reference should be made in the preamble to this Protocol to relevant conventions.

At the second session of the Ad Hoc Committee, some Member States suggested the addition of a non-discrimination clause as a new article 1 of the Protocol.

[7] See footnote 1 above.

[8] At the second session of the Ad Hoc Committee, several countries expressed the view that the terms "sexual exploitation" and "forced labour" should be defined in the text. A number of countries supported a broad definition of both terms so as to ensure that the Protocol would cover all forms of exploitation. Two delegations suggested that the definition of forced labour should include cases of "forced marriage" or "marriage of convenience". One delegation suggested further that the definition should cover cases of forced domestic work. Another delegation suggested the addition of the words "involuntary servitude" to the purpose of this Protocol. For further details, see also footnotes 24 and 25.

to the protection of women and children,[10] who are so often the victims of such trafficking.

2. The purpose is, in particular, to encourage States Parties to undertake:[11]

(a) To adopt effective measures to prevent trafficking in persons, especially women and children, as defined in this Protocol, and to punish[12] severely those who engage in that activity;

(b) To ensure that victims of trafficking in persons, especially women and children, receive appropriate protection;[13]

(c) To promote cooperation among States Parties in order to combat more effectively trafficking in persons, especially women and children;

(d) To provide in appropriate cases for the safe and voluntary[14] return of victims to their countries of origin or of habitual residence or to a third country;

(e) To inform and educate the public about the causes and consequences of trafficking in persons; and

(f) To provide victims with appropriate legal, medical, psychological and financial assistance whenever States Parties deem it necessary.[15]

Article 1. Purpose[16]

Option 2

1. The purpose of this Protocol is the prevention, suppression and punishment[17] of international trafficking in persons, especially women and children.

2. To that end, States Parties undertake:

(a) To adopt effective measures, in accordance with their domestic law, to prevent trafficking in persons, especially women and children, as defined in this Protocol, and to punish[18] severely those who engage in that activity;

(b) To ensure the protection of women and children, in accordance with their best interests;

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[10] At the second session of the Ad Hoc Committee, one delegation suggested that the words "regardless of the sex of the child" should be inserted after the word "children".

[11] At the second session of the Ad Hoc Committee, one delegation suggested that the principle of non-interference into domestic affairs should be reflected in an appropriate way.

[12] See footnote 1 above.

[13] At the second session of the Ad Hoc Committee, one delegation suggested the addition of the words "where necessary" at the end of paragraph 2 (b) of article 1.

[14] At the second session of the Ad Hoc Committee, a number of countries suggested the deletion of the word "voluntary" if paragraph 2 was to be retained (see footnote 15). At the first session, one delegation reminded the Ad Hoc Committee that if victims were returned to their countries of origin against their will, international law regarding refugees was applicable. At the second session of the Ad Hoc Committee, another delegation suggested that the Protocol should ensure the protection of victims against deportation.

[15] At the second session of the Ad Hoc Committee, the delegations of a number of countries supported the deletion of paragraph 3 of article 1 as unnecessary, since it repeated provisions that appeared later in the draft Protocol.

[16] The text of this article was proposed by Argentina at the second session of the Ad Hoc Committee (see A/AC.254/L.17).

[17] See footnote 1 above.

[18] See footnote 1 above.

(c) To adopt relevant penal and administrative provisions for the purpose of preventing, suppressing and punishing[19] international trafficking in persons, especially women and children;

(d) To establish a system of judicial cooperation between States Parties that will facilitate the prosecution of unlawful acts connected with international trafficking in persons, especially women and children;

(e) To inform and educate the public about the causes and consequences of trafficking in persons;

(f) To prevent any type of penalty being imposed on persons, especially women and children, who are victims of international trafficking; and

(g) To abolish progressively those practices which allow a husband, family or clan to order the transfer of a woman to another person for payment or otherwise for the benefit of an international criminal organization.

Article 2. Scope of application

Option 1[20]

1. This Protocol shall apply to trafficking in persons as defined in paragraph 2 of this article.

2. For the purposes of this Protocol, "trafficking in persons"[21] means the recruitment, transportation, transfer, harbouring or receipt of persons, either by the threat or use of kidnapping, force, fraud, deception or coercion,[22, 23] or by the giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation[24] or forced labour.[25]

3. For purposes of this Protocol, trafficking in persons for the purpose of sexual exploitation includes subjecting to such trafficking a child under the age of

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[19] See footnote 1 above.

[20] At the second session of the Ad Hoc Committee, many delegations expressed their preference for this option. One delegation suggested merging the text of the two options.

[21] At the second session of the Ad Hoc Committee, some delegations suggested that the term "trafficking" should be defined in the text. The question was raised whether trafficking in persons would also include the transportation of a person within a State or whether it necessitated crossing an international border.

[22] At the second session of the Ad Hoc Committee, one delegation expressed concern that it would be difficult to prove "coercion" in practice.

[23] At the second session of the Ad Hoc Committee, one delegation suggested the insertion of the words "or debt bondage" between the words "coercion" and "or".

[24] At the second session of the Ad Hoc Committee, some delegations suggested that the term "sexual exploitation" should be defined in the text (see also footnote 9).

[25] At the second session of the Ad Hoc Committee, two delegations proposed that a new paragraph be added after this paragraph to define the term "forced labour". Some delegations wished to ensure that all forms of exploitation were covered under this Protocol (see also footnote 9). One delegation suggested the addition of the words "involuntary servitude" after the words "forced labour". Another delegation felt that any definition of exploitation needed careful examination and restriction. One delegation expressed its concern that a definition might end up being too broad, which in turn might hamper the implementation of the Protocol. Some delegations suggested that the reference made in option 2, paragraph 2 (d) (vii), to extraction of body organs or organic tissue should be included in option 1 (paragraph 2). One delegation suggested that the scope of application of the Protocol should include pornographic material involving women or children, as referred to in option 2, paragraph 2 (d) (iv).

consent[26] in the jurisdiction where the offence occurs, regardless whether that child has consented.

Article 2. Scope of application and definitions[27]

Option 2

1. The provisions of this Protocol shall apply to any child or woman who is, or habitually resides, in a State Party at the time of commission of an act of international trafficking of which that person is a victim.[28]

2. For the purposes of this Protocol, the following definitions shall apply:

(a) "Child" shall mean[29] any person under eighteen years of age;

(b) "Trafficking in children" shall mean any act carried out or to be carried out for an illicit purpose or aim by a criminal organization, jointly or through any of its members, that involves:

(i) Promoting, facilitating or coordinating the kidnapping, holding or hiding of a child, with or without his or her consent, for profit or otherwise, repeatedly or on one occasion; or

(ii) Offering, delivering or receiving a child in exchange for money or any other payment in kind, or serving as an intermediary in those acts;

(c) "Trafficking in women" shall mean any act carried out or to be carried out for an illicit purpose or aim by a criminal organization, jointly or through any of its members, whether on behalf of another or not, whether for profit or not and whether repeatedly or not, that involves:

(i) Promoting, facilitating or coordinating the kidnapping, holding or hiding of a woman, with or without her consent, for illicit purposes or in order to force her to perform, not perform or tolerate an act or to subject her unlawfully to the power of another person;

(ii) Transporting a woman to or facilitating her entry into another State;

(d) "Illicit purpose or aim" shall mean:

(i) Reduction to slavery, servitude or other similar condition;

(ii) Maintenance of a person in such a condition in order to demand, under the threat of some penalty, the performance of forced and compulsory labour to which the person has not voluntarily consented or in order to force the person, in accordance with custom or by agreement, for payment or free of charge, to provide certain services without the freedom to change his or her condition;

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[26] At the second session, some delegations drew the attention of the Ad Hoc Committee to the fact that the concept of "age of consent" might not be in line with the Convention on the Rights of the Child (General Assembly resolution 44/25, annex).

[27] At the second session of the Ad Hoc Committee, some delegations suggested that if definitions were to be included in the Protocol, they should be placed before the scope of the Protocol.

[28] The text of this paragraph was proposed by Argentina at the second session of the Ad Hoc Committee (see A/AC.254/L.17).

[29] At the second session of the Ad Hoc Committee, one delegation suggested replacing the words "shall mean" with the words "shall include".

(iii) The prostitution or other form of sexual exploitation of a woman or child, even with the consent of that person;

(iv) Any means of production, distribution or importation, in their present or future form, of graphic or audio-visual material focused on the sexual conduct of women or children or on the genitals of such persons;

(v) The organization, promotion or use of tourism-related activities or journeys involving the sexual exploitation of women;

(vi) Promoting, facilitating or coordinating acts aimed at rendering uncertain, changing or annulling the marital status of a woman, in any manner or by any means, whether for payment or not or for the promise thereof, whether in accordance with a traditional or customary practice or not and with or without the use of threats or abuse of authority; or

(vii) Extraction of body organs or organic tissue.

Article 3. Obligation to criminalize

1. Each State Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the conduct set forth in [paragraph 2] [paragraphs 2 and 3][10] of article 2 and shall impose penalties that take into account the grave nature of those offences.

2. Each State Party shall also adopt such measures as may be necessary to establish as criminal offences under its domestic law the following conduct and shall impose penalties that take into account the grave nature of those offences:

(a) Attempting to commit an offence set forth in [paragraph 2] [paragraphs 2 and 3] of article 2;

(b) Participating as an accomplice in the commission of an offence set forth in [paragraph 2] [paragraphs 2 and 3] of article 2;

(c) Organizing or directing others to commit an offence set forth in [paragraph 2] [paragraphs 2 and 3] of article 2; or

(d) In any other way contributing to the commission, by a group of persons acting with a common purpose, of an offence set forth in [paragraph 2] [paragraphs 2 and 3] of article 2; such contribution shall be intentional and shall either be made with the aim of furthering the general criminal activity or criminal purpose of the group or be made in the knowledge of the intention of the group to commit the offence concerned.

3. The knowledge, intent or purpose required to commit an offence set forth in [paragraph 2] [paragraphs 2 and 3] of article 2 or in paragraph 2 of this article may be inferred from objective factual circumstances.

[10] The reference to the conduct to be criminalized depends on the choice to be made regarding the content of article 2.

Chapter II. Protection of trafficked persons

Article 4.[11] *Assistance for and protection of victims of trafficking in persons*[12]

1. [In appropriate cases and to the extent possible under domestic law,][13] States Parties shall protect the privacy of victims of crimes covered by this Protocol by maintaining the confidentiality of legal proceedings related to trafficking in persons.

2. In addition to measures provided pursuant to article 7 of this Protocol, each State Party shall ensure that its legislative framework contains measures that permit providing, in appropriate cases:

(a) Information to victims of crimes covered by this Protocol with regard to the relevant court and administrative proceedings;

(b) Assistance to victims of crimes covered by this Protocol, enabling their views and concerns to be presented and considered at appropriate stages of the criminal proceedings against the offenders, in a manner not prejudicial to the rights of the defence;

(c) Appropriate housing, education and care for children in governmental custody;[14] and

(d) Appropriate housing, economic assistance, psychological, medical and legal support for the victims of crimes covered by this Protocol.[15, 16]

3. Each State shall endeavour to provide for the physical safety of victims of crimes covered by this Protocol while they are within its territory.

4.[17] Each State Party shall ensure that its legislative framework contains measures that, in appropriate cases, provide victims of trafficking in persons with access to adequate procedures for seeking:

(a) Compensation for damages, including compensation coming from fines, penalties or, where possible, forfeited proceeds or instrumentalities of perpetrators of trafficking in persons; and

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[11] At the fourth session of the Ad Hoc Committee, several delegations proposed the insertion in this article of additional provisions regarding the protection of victims of trafficking. (See proposed articles 3 *bis* and 4 submitted by Italy (A/AC.254/L.30) and the additional language for article 4 proposed by the Holy See (A/AC.254/L.32).)

[12] Article 4 in document A/AC.254/4/Add.3, dealing with victims, was expanded into three separate articles (articles 4-6), in this draft, each addressing a different aspect of victim assistance.

[13] The language in brackets was proposed in document A/AC.254/4/Add.3.

[14] Two delegations expressed concern about the consistency of this clause with the Convention on the Rights of the Child (see A/AC.254/5/Add.3).

[15] The text of this article was proposed by Argentina at the second session of the Ad Hoc Committee (see A/AC.254/L.17).

[16] Article 7, paragraph 2, of the previous draft (A/AC.254/4/Add.3/Rev.2) read as follows: "Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of and witnesses to crimes covered by this Protocol, in order to foster their health, self-respect and dignity, in a manner appropriate to their age, gender and special needs." That paragraph was deleted, as it was similar to article 4, paragraph 2.

[17] This paragraph appeared in the previous version (A/AC.254/Add.3/Rev.2) as article 7, paragraph 1. It was moved to article 4 in this restructured draft, where it seemed to fit better.

(b) Restitution from the offenders.

Article 5.[38] *Status of the victim in the receiving State*

1. In addition to measures provided pursuant to article 7 of this Protocol, each State Party shall consider enacting immigration laws that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

2. Each State Party shall give appropriate consideration to humanitarian and compassionate factors in determining the status of such a victim in its territory when it is the receiving State Party.[39]

Article 6.[40] *Repatriation*[41] *of victims of trafficking in persons*[42]

1. Each State Party agrees to facilitate and accept, without delay, the return of a victim of trafficking in persons who is a national of that State Party or who had the right of abode in the territory of that State Party at the time of entry into the receiving State.

2. At the request of a State Party that is the receiving State, each State Party shall, without undue or unreasonable delay, verify whether a person who is a victim of such trafficking is a national of the requested State.

3. Each State Party shall, at the request of another State Party and subject to the domestic laws of the requested State, verify without undue or unreasonable delay the legitimacy and validity of travel or identity documents issued in the name of the requested State and suspected of being used for trafficking in persons.[43]

4. In order to facilitate the return of victims of such trafficking who are without proper documentation, the State Party of which such a victim is a national or in which he or she had the right of abode at the time of entry into the receiving State shall agree to issue, at the request of the receiving State, such travel documents or other authorization as may be necessary to enable the person to re-enter its territory.

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[38] Colombia, France, Morocco and the United Kingdom proposed alternative language for all or part of article 5 (see A/AC.254/5/Add.12).

[39] Article 5 *bis*, entitled "Seizure and confiscation of gains", was deleted by consensus at the fourth session of the Ad Hoc Committee. The consensus was that the subject was covered by a similar provision in the draft Convention and that it was also dealt with in article 4, paragraph 4, of this restructured version.

[40] Two delegations suggested that several articles in this Protocol should be based on articles contained in the proposals of Canada and the United States regarding the draft protocol against smuggling of migrants. The articles of this Protocol thus adapted are articles 6-8 and 10.

[41] The consensus at the fourth session of the Ad Hoc Committee was that the title of this article should be changed from "Return of victims of trafficking in persons" to "Repatriation of victims of trafficking in persons".

[42] Mexico has proposed alternative and additional language for article 6 (see A/AC.254/5/Add.12).

[43] In the previous draft (A/AC.254/4/Add.3/Rev.2), this paragraph appeared as article 11, entitled "Verification of documents". It was moved to article 6, where it seemed to fit better.

Chapter III. Prevention, cooperation and other measures

Article 7[44] [45] *Law enforcement measures*

1. In addition to adopting the measures provided for in this article and pursuant to article 16 of this Protocol, law enforcement authorities of States Parties shall, as appropriate, cooperate with one another by exchanging information to enable them to determine:

(a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons without travel documents are perpetrators or victims of trafficking in persons;

(b) Whether individuals have used or attempted to use altered or falsified documentation to cross an international border for the purpose of trafficking in persons;

(c) The methods used by groups for transporting victims of such trafficking under false identities, or with altered or falsified documentation, and the measures for detecting them; and

(d) Methods and means used for trafficking in persons, including recruitment, routes and links between and among individuals and groups engaged in such trafficking.

2. Each State Party shall provide or strengthen training to prevent trafficking in persons for law enforcement, immigration and other relevant officials. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers, and should encourage cooperation with appropriate non-governmental organizations.[46]

Article 8.[47] *Border controls*

1. Each State Party shall adopt such measures as may be necessary to detect and prevent trafficking in persons between its territory and that of any other State Party by strengthening border controls, including by checking persons and travel or identity documents and, where appropriate, by inspecting and seizing vehicles and vessels.

2. States Parties shall take such additional legislative or other measures as they consider appropriate to prevent means of transport operated by commercial carriers from being used in the commission of offences established under this Protocol. Such measures shall include, in appropriate cases, fines and forfeiture to ensure that carriers, including any transportation company or the owner or operator of any vessel or vehicle, screen all

[44] See footnotes 36 and 37 for an explanation of how former article 7, entitled "Victim rehabilitation", was consolidated with article 4 in this restructured draft.

[45] Law enforcement and cooperation provisions (e.g. technical assistance, seizure of assets and information exchange) should be included only insofar as they go beyond those contained in the Convention. Article 14 will incorporate provisions from the Convention that are applicable to the subject matter of this Protocol. The Protocol will therefore have to be reviewed and any redundancies removed when the text of the Convention has been developed more fully.

[46] The phrase "including protecting the victims from the traffickers" was added to this paragraph. At the same time, article 9, paragraph 2, of the previous draft (A/AC.254/4/Add.3/Rev.2) was deleted because it was covered by this article. Article 9, paragraph 2, of the previous draft read as follows: "Each State Party shall adopt such training and other measures as may be necessary to ensure that victims of such trafficking who are detected being trafficked by means of legal or illegal migration receive appropriate protection from the traffickers."

[47] See footnote 40 above.

passengers to see that each has a valid passport and visa, if required, or any other documentation necessary for legal entry into the receiving State.[48]

3. Each State Party shall consider adopting measures that permit, in appropriate cases, the revocation or denial of visas to persons, including foreign officials, known to be implicated in crimes covered by this Protocol.

Article 9[49] *International travel documents*[50]

1. States Parties shall adopt such measures as may be necessary to ensure that travel or identity documents issued by them are of such quality that they cannot readily be unlawfully altered, replicated, issued or otherwise misused.

2. Each State Party shall adopt such measures as may be necessary to ensure the integrity and to control the lawful creation, issuance, verification, use and acceptance of travel or identity documents issued by or on behalf of the State Party.

Article 10[51] *Prevention of trafficking in persons*

1. Each State Party shall consider establishing social policies and programmes to prevent:

(a) Trafficking in persons; and

(b) The revictimization of trafficked persons, especially women and children.

2. States Parties [shall endeavour to[52]]:

(a) Undertake, including through non-governmental organizations, information campaigns and programmes to generate public awareness of the gravity of offences relating to international trafficking in persons. Such programmes should include information on potential victims, causes and consequences of such trafficking, penalties for unlawful acts and the risks that such offences represent to the life and health of the victims;

(b) Establish methods for gathering data and promote research to determine the modus operandi of international trafficking in persons;

(c) Encourage, within the private sector, the establishment of professional associations, foundations, non-governmental organizations and research institutes concerned with the problem of international trafficking in persons; and

(d) Disseminate information relating to the different forms of international trafficking in persons and undertake programme actions to combat such trafficking.

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[48] Article 14, paragraphs 2 and 3, of the previous draft (A/AC.254/4/Add.3/Rev.2) was moved to article 8, paragraphs 2 and 3, of this restructured draft, where they seemed to fit better.

[49] See footnote 40 above.

[50] The previous title of this article ("Security of travel documents") was changed to "International travel documents" by consensus at the fourth session of the Ad Hoc Committee, so as not to cause confusion for States that may have internal travel or identity documents that are not intended to be regulated by this Protocol.

[51] The proposal by China (A/AC.254/L.52) for an article 7 *bis*, entitled "Measures to eliminate trafficking in women and children [persons]", could be considered here.

[52] The language in brackets was proposed in document A/AC.254/8.

3. States Parties [shall[53]] [are encouraged to[54]] provide the Secretary-General of the United Nations with a list of non-governmental organizations devoted to preventing the unlawful acts covered in this Protocol with a view to compiling a database that will enable the non-governmental organizations and States Parties to exchange information.

Article 11. Cooperation with non-States Parties

States Parties [shall[55]] [are encouraged to[56]] cooperate with non-States Parties to prevent and punish[57] trafficking in persons and to protect and care for victims of such trafficking. To that end, appropriate authorities of each State Party [shall[58]] [are encouraged to[59]] notify the appropriate authorities of a non-State Party whenever a victim of such trafficking who is a national of the non-State Party is in the territory of the State Party.

Chapter IV. Final clauses

Article 12.[60] Stricter measures[61]

States Parties may adopt measures stricter than those provided for in this Protocol if, in their opinion, such measures are desirable to prevent, combat and eradicate the crimes covered by this Protocol.

Article 13.[62] Savings clause

Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention[63] and the 1967 Protocol[64] relating to the Status of Refugees.

Article 14. Other provisions

The provisions of articles [...] of the Convention shall also apply *mutatis mutandis* to this Protocol.

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[53] The language in brackets was proposed in document A/AC.254/8.

[54] The language in brackets was proposed in document A/AC.254/4/Add.3.

[55] The language in brackets was proposed in document A/AC.254/8.

[56] The language in brackets was proposed in document A/AC.254/4/Add.3.

[57] See footnote 1 above.

[58] The language in brackets was proposed in document A/AC.254/8.

[59] The language in brackets was proposed in document A/AC.254/4/Add.3.

[60] See footnote 40 above.

[61] In the previous draft (A/AC.254/4/Add.3/Rev.2), this article was article 14, entitled "Other measures". Article 14, paragraphs 2 and 3, of the previous draft became article 8, paragraphs 2 and 3, in this restructured draft. The title of the article was changed from "Other measures" to "Stricter measures", which better describes new article 12. This article was article 14, paragraph 1, in the previous draft.

[62] See footnote 40 above.

[63] United Nations, *Treaty Series*, vol. 189, No. 2545.

[64] Ibid., vol. 606, No. 8791.

Article 15. Signature, accession and ratification

1. This Protocol shall be open for signature, by any State that has signed th Convention, at [...] from [...] to [...] and thereafter at United Nations Headquarters in Ne York until [...].

2. This Protocol is subject to ratification. Instruments of ratification shall b deposited with the Secretary-General of the United Nations.

3. This Protocol is subject to accession by any State that has signed or acceded the Convention. Instruments of accession shall be deposited with the Secretary-General the United Nations.

Article 16. Entry into force

1. This Protocol shall enter into force on the thirtieth day following the date deposit of the [...] instrument of ratification or accession with the Secretary-General of t United Nations. This Protocol shall not enter into force before the Convention has enter into force.

2. For each State Party ratifying or acceding to the Protocol after its entry in force, the Protocol shall enter into force on the thirtieth day after the deposit by such Sta of the instrument of ratification or accession.

[The Protocol can rely on the Convention's provisions on denunciation, amendme languages and depositary.]

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respecti Governments, have signed this Protocol.